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Presentment Date: January 20, 2010

Time: 12:00 p.m.

Objections Due: January 20, 2010

Time: 10:00 a.m.

*Attorneys for Irving H. Picard, Esq., Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF PRESENTMENT OF TRUSTEE'S MOTION
FOR AN ORDER APPROVING THE RETENTION OF
KUGLER KANDESTIN, L.L.P., AS SPECIAL COUNSEL
NUNC PRO TUNC AS OF SEPTEMBER 1, 2009**

PLEASE TAKE NOTICE that upon the motion of Irving H. Picard, Esq., as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and Bernard L. Madoff, for authority to retain Kugler Kandestin, L.L.P. as special counsel *nunc pro tunc* as of September 1, 2009, the undersigned will present the attached

proposed order (the "Order") to the Honorable Burton R. Lifland, United States Bankruptcy Judge, for signature and entry on **January 20, 2010 at 12:00 noon**.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the proposed Order ("Objections"), shall (i) be in writing, (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders, (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefor, (iv) filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the chambers of the Honorable Burton R. Lifland, One Bowling Green New York, New York 10004, (v) served upon (a) Baker & Hostetler, LLP, Counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David Sheehan, and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq. so as to be received no later than **10:00 a.m. on January 20, 2010**.

PLEASE TAKE FURTHER NOTICE, that in the event any Objections are timely served and filed, a hearing may be held before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at a date to be scheduled by the Court, upon such additional notice as the Court may direct. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE, that, unless Objections are timely served and
filed, the proposed Order may be signed without a hearing.

Dated: New York, New York
January 11, 2010

Respectfully submitted,

s/Marc E. Hirschfield

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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*